

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALISSA NICOLE SMITH, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA SMITH,

Respondent-Appellant,

and

DAVID SMITH,

Respondent.

UNPUBLISHED

August 26, 2008

No. 285112

Muskegon Circuit Court

Family Division

LC No. 01-030274-NA

Before: Cavanagh, P.J., and Jansen and Kelly, JJ.

MEMORANDUM.

Respondent Melissa Smith appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (l).¹ We affirm.

Respondent's sole argument on appeal is that the trial court erred in terminating her parental rights because termination was contrary to the child's best interests. We disagree.

The evidence showed that respondent had several other children whom she neglected. Her partner, Charles Conibear, was suspected of sexually abusing one of the children. Respondent failed or refused to participate in services and her parental rights to her other children were terminated. She did nothing to improve her circumstances after she learned that she was pregnant or even after the minor child was born, and there was evidence that she was still involved with Conibear. It was not until after the minor child was removed from her care that she took any action, which consisted solely of obtaining a personal protection order against

¹ Respondent father's parental rights were also terminated, but he is not a party to this appeal.

Conibear and calling to inquire about parenting classes. She was unable to support herself or her child and her apartment was too small for a crib. The evidence failed to establish that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5). Thus, the trial court did not err in terminating respondent's parental rights. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly